

Message Text

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SUBJ: PRIVILEGES AND IMMUNITIES ACCORDED BY HOST GOVTS TO
OBSERVER DELEGATIONS TO INTERNATIONAL ORGANIZATONS

REF: STATE 224856

SUMMARY: EMBOFF DISCUSSED QUESTION OF P&I WITH
OFFICIALS OF MOFA, OAU, AND ECA. ETHIOPIAN GOVT HAS
NOT ESTABLISHED CLEAR LEGAL BASIS FOR ACCORDING P&I'S TO
OBSERVER DELS TO INTERNATIONAL ORGANIZATIONS BASED
IN ETHIOPIA. OBSERVER DELS TO OAU AND ECA ARE
GENERALLY TREATED AS IF THEY HAD PRIVILEGES AND IMMUNITIES
OF MEMBER STATE DELS. END SUMMARY

1. OBSERVER DELS TO OAU INCLUDE RECOGNIZED LIBERA-
TION MOVEMENTS, REGIONAL AND SUB-REGIONAL AGENCIES SUCH AS
AFRICAN CIVIL AVIATION COMMISSION, BRANCHES OF UN, AND
VARIOUS ORGANIZATIONS SUCH AS THE COMMONWEALTH SECRETARIAT,
WORLD PEACE COUNCIL, AND WORLD INTELLECTUAL PROPERTY ORGANI-
ZATION, NONE OF WHICH MAINTAINS PERMANENT OFFICE HERE.
OBSERVER STATUS IS GRANTED ONLY FOR THE PERIOD DURING
WHICH REPS OF THESE ORGANIZATIONS WILL
ACTUALLY BE CONDUCTING BUSINESS. OBSERVER STATUS IS
NOT GRANTED TO RESIDENT DIPLOMATIC MISSIONS WHICH ARE
NON-AFRICAN.

2. STANDARD OPERATING PROCEDURE AT OAU IS FOR
ORGANIZATION TO REQUEST ADMISSION TO ETHIOPIA FOR OB-
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SERVER DELS. UPON CONCURRENCE OF MOFA, OBSERVER

DELS WILL BE ADMITTED TO ETHIOPIA AND WILL BE GRANTED FACILITATED ENTRY THROUGH IMMIGRATION AND CUSTOMS. VISAS ARE ISSUED GRATIS, BUT AIRPORT DEPARTURE TAX MUST BE PAID. OBSERVER DELS ARE PROVIDED SECURITY AS NECESSARY, ACCESS TO DUTY-FREE SHOP, AND GENERALLY TREATED AS IF THEY HAD IMMUNITY FROM ARREST AND PROSECUTION IN BOTH CIVIL AND CRIMINAL CASES. NO FORMAL BASIS EXISTS, HOWEVER, FOR DE FACTO EXEMPTION. NEITHER MOFA, OAU, NOR ECA OFFICIALS COULD CITE ANY PAST VIOLATIONS OF CONSEQUENCE WHICH WOULD BE OF PRECEDENTIAL VALUE. IN MINOR CASES, SUCH AS DRIVING WHILE INTOXICATED OR PUBLIC INTOXICATION, NORMAL PROCEDURE APPEARS TO BE TO ESCORT OFFENDERS BACK TO THEIR HOTELS. HEADS OF DELS AND DIP STAFF ARE TREATED RESPECTIVELY AS IF THEY HAD P&I STATUS OF HEADS OF DELS AND DIP STAFF OF MEMBER STATES. IN VIEW OF LACK OF PERMANENTLY-BASED OBSERVER GROUPS, QUESTION OF STATUS OF ADMIN, TECHNICAL AND SUPPORT STAFF, PREMISES AND ARCHIVES WOULD APPEAR MOOT.

3. STATUS OF OAU OFFICIALS THEMSELVES MAY BE OF INTEREST TO DEPT. SEC GEN AND ASST SEC GEN ARE TREATED AS AMBASSADORS WITH FULL DIP PRIVILEGES. DIRECTORS AND CHIEFS OF SECTION OF OAU SECRETARIAT WHO ARE NON-ETHIOPIAN ARE NOT SUBJECT TO ARREST, TAXATION, CIVIL OR CRIMINAL PROSECUTION OR SUIT. THEY ARE ACCORDED DUTY-FREE IMPORT OF CLOTHING, AUTO, HOUSEHOLD AND PERSONAL EFFECTS DURING THEIR FIRST 12 MONTHS IN ETHIOPIA. THEY HAVE SEMI-DIP STATUS IN TERMS OF PURCHASE OF DUTY-FREE GAS, ALCOHOLIC BEVERAGES, AND OTHER MINOR ITEMS. A NEW AUTO MAY BE PURCHASED DUTY FREE EVERY THREE YEARS. LOWER RANKING MEMBERS OF THE SECRETARIAT WHO ARE NON-ETHIOPIAN ARE GRANTED DUTY-FREE ENTRY OF CLOTHING AUTO, HOUSEHOLD AND PERSONAL EFFECTS DURING INITIAL 12 MONTH PERIOD AND MAY PURCHASE DUTY-FREE AUTO EVERY THREE YEARS. ETHIOPIAN MEMBERS OF SECRETARIAT ONLY HAVE IMMUNITY FROM ARREST AS PROVIDED FOR IN OAU HQ'S AGREEMENT. OAU PREMISES AND LIMITED OFFICIAL USE

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ARCHIVES HAVE STANDARD DIP IMMUNITY AS PROVIDED FOR IN HQ'S AGREEMENTS.

4. ECA PRIVILEGES AND PROCEDURES SIMILAR IN NEARLY ALL RESPECTS TO AOU. HOWEVER, ECA HQ'S AGREEMENT OF JUNE 18, 1958, DOES SPECIFY THAT "THE COMPETENT ETHIOPIAN AUTHORITIES SHALL NOT IMPEDE THE TRANSIT TO OR FROM THE HQ'S OF

THE FOLLOWING PERSONS: (III) OTHER PERSONS INVITED
TO THE HQ'S ON OFFICIAL BUSINESS; THE
EXECUTIVE SECRETARY SHALL COMMUNICATE THE NAMES OF
SUCH PERSONS TO THE GOVERNMENT." OAU AGREEMENT
DOES NOT SPELL OUT THIS POINT, AND ETHIOPIAN GOVT
THEORETICALLY COULD REFUSE ADMISSION OF OU
INVITEES. ECA HQ'S AGREEMENT DOES NOT
SPELL OUT P&I'S OF OBSERVER DELS.

5. EMB CAN PROVIDE DEPT WITH COPIES OF GEN
CONVENTION, OR THE PRIVILEGES AND IMMUNITIES OF THE
OAU, OAU HQ'S AGREEMENT, AND ECA HQ'S AGREEMENT
IF THESE DOCUMENTS WOULD BE USEFUL.
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